



CRM-M-25229-2024 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(239)

CRM-M-25229-2024 (O & M)

Date of decision:23.05.2024

Vikash Raj alias Vikas Raj

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajesh Lamba, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.224 dated 20.04.2023 under Sections 419, 467, 468 and 471 IPC (Section 420 IPC deleted later on) registered at Police Station Sector 27, District Sonipat.

2. The present FIR came to be registered at the instance of Vikas Kumar son of Ved Parkash. As per the allegations, Vikas Raj (petitioner) son of Raj Kumar was his (complainant's) relative. Vikas Raj son of Raj Kumar had used his (complainant's) personal and security documents and had obtained credit cards from various banks which the accused had been misusing continuously regarding which he (complainant) had also informed the concerned bank and police. For the year, 2020-2021, the accused had made transactions of Rs.12,92,596/- from RBL Bank and Rs. 12,20,711/- from ICICI Bank by using credit cards obtained on the basis of his (complainant's) documents and the said transactions were being shown in Form 26-AS for which the Income Tax Department could make an enquiry



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from him (complainant). Similarly, for the year 2021-2022, there had been transactions of Rs.60,007/- from RBL Bank and Rs.37,48,189/- from the ICICI Bank which were also reflected in Form 26-AS. Therefore, it was apparent that the accused had obtained advance money from the banks using his (complainant's) PAN card and other documents with an intention to cheat him.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. No loss had been caused either to the complainant or any Government agency. He was working as a Sales Executive with the Airtel company. In fact, the complainant was the petitioner's brother-in-law. They were doing some part-time business together. Due to some misunderstanding, a dispute had arisen between the petitioner and his brother-in-law/Vikas. Earlier applications with similar allegations had been moved but no offence was found to have been committed. As the petitioner was a first-time offender, in custody since 05.01.2024 but none of the 07 prosecution witnesses had been examined so far, therefore, he was entitled to the concession of bail, moreso, when the case was triable by the Court of a Magistrate.

4. The learned counsel for the State, on the other hand, contends that as per the investigation conducted so far, it was the petitioner who had committed the offences in question. Numerous transactions had been made on the fraudulently issued credit cards. As there were direct and specific allegations against the petitioner, he was not entitled to the concession of bail. She, however, concedes that the petitioner was a first-time offender, in custody since 05.01.2024, none of the 07 prosecution witnesses had been

examined so far and that the case was triable by the Court of a Magistrate.



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5. I have heard the learned counsel for the parties.
6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 05.01.2024 and none of the 07 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required, moreso, when he is a first-time offender.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vikash Raj @ Vikas Raj is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.



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9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case except the present one.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 23, 2024
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No